

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 269947

60

ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 FMC-01 L-03 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06

OES-06 /038 R

DRAFTED BY EB/TCA/MA:JAPURNELL:EW

APPROVED BY EB/TCA/MA:RKBANK

ARA/CEN:MWEISSMAN (DRAFT)

ARA/CEN:MPLATT (DRAFT)

ARA/ECP:DTAHER (SUBS)

FMC:TCHRISTENSEN (PHONE)

----- 069131

P 022310Z NOV 76

FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA PRIORITY

LIMITED OFFICIAL USE STATE 269947

E.O. 11652: N/A

TAGS: EWWT, GT

SUBJECT:GUATEMALAN DECREE 41/71

1. THE FEDERAL MARITIME COMMISSION AND ITS STAFF HAVE PROVIDED DEPARTMENT WITH FOLLOWING TEXT, WHICH THEY HAVE REQUESTED BE TRANSMITTED TO EMBASSY. EMBASSY SHOULD APPRISE GOG ORALLY OR IN WRITING- AS EMBASSY DEEMS MOST APPROPRIATE, OF CONTENTS:

BEGIN TEXT:

THE FEDERAL MARITIME COMMISSION STAFF HAS BEEN ADVISED BY THE PRESIDENT OF FLOMERCA LINE THAT THE GOVERNMENT OF GUATEMALA IS CONSIDERING CERTAIN MEASURES TO ELIMINATE THE RESTRICTIVE IMPACT OF GUATEMALAN DECREE 41-71, ON OCEAN TRANSPORTATION IN THE U.S.-GUATEMALAN TRADE AND
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 269947

THAT ANY DECISION STEMMING FROM SUCH CONSIDERATION SHOULD

BE FORTHCOMING WITHIN TWO WEEKS. ON THIS BASIS, THE FMC HAS DETERMINED TO POSTPONE UNTIL NOVEMBER 15, 1976, THE ISSUANCE OF A PROPOSED REGULATION, PURSUANT TO SECTION 19 OF THE MERCHANT MARINE ACT OF 1920, IMPOSING AN EQUALIZING FEE OF FIFTY PERCENT OF THE FREIGHT CHARGES ON ALL CARGO TRANSPORTED FROM THE UNITED STATES TO GUATEMALA BY GUATEMALAN NATIONAL CARRIERS OR CARRIERS ASSOCIATED WITH GUATEMALAN NATIONAL CARRIERS.

THIS POSTPONEMENT IS DESIGNED TO GIVE THE GOVERNMENT OF GUATEMALA AND FLOMERCA OFFICIALS ADDITIONAL TIME TO CONSIDER WHATEVER STEPS CAN BE TAKEN TO ASSURE THAT ALL CARRIERS, WHETHER U.S. OR THIRD FLAG, WHICH ARE PROVIDING, OR WHICH ARE WILLING AND ABLE TO PROVIDE, A REGULAR SERVICE BETWEEN THE UNITED STATES AND GUATEMALA, SHALL HAVE EQUAL ACCESS WITH GUATEMALAN CARRIERS TO ALL COMMERCIAL CARGO FROM THE UNITED STATES TO GUATEMALA.

IN THE ABSENCE OF A RESOLUTION OF THIS PROBLEM BY NOVEMBER 15, 1976 WHICH WILL ACHIEVE THE EQUAL ACCESS OBJECTIVE MENTIONED ABOVE, THE PROPOSED REGULATION WILL BE ISSUED FOR COMMENT. END TEXT.

2. FYI. FLOMERCA PRESIDENT EMILIO PERALTA, ON HIS RECENT VISIT TO U.S., OFFERED TO GRANT A GENERAL WAIVER TO U.S.-FLAG CARRIERS IN THE U.S.-GUATEMALA TRADES, AS A MEANS OF RESOLVING THE POSSIBILITY OF SECTION 19 ACTION BROUGHT ABOUT BY DECREE 41/71. IT IS THIS OFFER THAT THE COMMISSION HAS VOTED TO REJECT, BECAUSE IT WOULD NOT PREVENT DISCRIMINATION AGAINST THIRD-FLAG CARRIERS IN THE TRADE. THE FMC'S READING OF THE MERCHANT MARINE ACT, 1920, IS THAT IT MUST BE "FLAG BLIND" IN DEALING WITH DISCRIMINATION CAUSED BY FOREIGN LAWS OR DECREES. END FYI.

3. PERALTA ALSO INFORMED FMC STAFF THAT GUATEMALANS WOULD KNOW ON OR ABOUT NOVEMBER 8 IF THEY WOULD BE IN A POSITION TO OFFER A DEFINITIVE RESOLUTION OF THE PROBLEM, AS OPPOSED TO THE GENERAL WAIVER SOLUTION WHICH THEY CONSIDER ONLY TEMPORARY. THE FMC POSTPONED PUBLICATION OF ITS PROPOSED RULE UNTIL NOVEMBER 15 IN LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 269947

HOPES THAT THE GUATEMALANS WOULD MAKE AN ACCEPTABLE PROPOSAL. ROBINSON

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARINE TRANSPORTATION, TEXT, GOVERNMENT MINISTRIES, FOREIGN POLICY POSITION, TRADE CONTROLS, RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 NOV 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: powellba
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE269947
Document Source: CORE
Document Unique ID: 00
Drafter: JAPURNELL:EW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760409-0191
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761188/aaaacypf.tel
Line Count: 109
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: powellba
Review Comment: n/a
Review Content Flags:
Review Date: 19 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 JUL 2004 by ElyME>; APPROVED <26 OCT 2004 by powellba>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GUATEMALAN DECREE 41/71
TAGS: EWWT, GT
To: GUATEMALA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006